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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,898	07/12/2000	Clark Woody	J 2850	2434
28165	7590	06/28/2005	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			WEEKS, GLORIA R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/614,898  
Filing Date: July 12, 2000  
Appellant(s): WOODY ET AL.

**MAILED**  
**JUN 28 2005**  
**Group 3700**

Thomas R. Stiebel (Reg. No. 48,682)  
For Appellant

### EXAMINER'S ANSWER

This is in response to the appeal brief filed May 2, 2005.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Claimed Subject Matter***

The summary of invention contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the issues in the brief is correct.

**(7) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Prior Art of Record***

5,546,732	COLEMAN <i>et al.</i>	8-1996
6,305,149	GORLICH <i>et al.</i>	10-2001
6,260,336	MOTOMURA	7-2001

<b>5,718,101</b>	<b><i>NOEL et al.</i></b>	<b>2-1998</b>
<b>5,094,657</b>	<b><i>DWORAK et al.</i></b>	<b>3-1992</b>
<b>4,115,182</b>	<b><i>WILDMOSER</i></b>	<b>8-1978</b>

**(9) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 7, 8, 11, 12, 15-18, 22-24, 26-30 and 34-39 are rejected under 35 U.S.C. 103(a).

This rejection is set forth in a prior Office Action, mailed on November 11, 2004.

**(10) *Response to Arguments***

Applicant's arguments appear to be primarily based on the lack of the references cited disclosure of sealing and severing layers of a thermoplastic material without burning the layers of thermoplastic. Examiner has interpreted the definition of burning as a point of combustion or a chemical process accompanied by the evolution of light or heat. Upon review of Applicant's specification, burning has been defined as the presence of smoke (page 2 lines 14-15 of Specification). However, interpreting claims in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim, to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

Thus, Examiner maintains the assessment that the structure of Coleman combined with the temperature range of Gorlich would inherently seal and sever layers of thermoplastic material without burning the layers of thermoplastic material in the same manner as the Applicant's invention, as Coleman discloses the same physical elements of Applicant's invention. It is known to one skilled in the art, that the combination of dwell time, contact pressure, and temperature effect

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the severing and sealing of film, of which each factor can be varied to provide a desired affect (page 12 lines 7-14 of Applicant's specification). Gorlich et al. states at column 9 lines 1-3 and column 10 lines 12-20 that a variation of heat and pressure can effectively sever and seal thermoplastic films to one another. Thus, the greater the heat, the less pressure required to effectively sever and seal thermoplastic films, and vice versa. Although Gorlich opted to maximize applicable heat to sever and seal thermoplastic films, thereby eliminating the need for pressure and resulting in vaporization, it was made known to one of ordinary skill in the art that the general conditions of severing and sealing thermoplastic films using heat, and discovering the optimum or workable ranges involves only routine skill in the art.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Gloria R Weeks  
Examiner  
Art Unit 3721



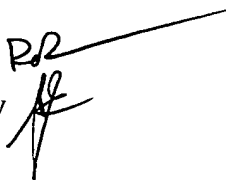
grw

June 21, 2005

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**Primary Examiner**

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